



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF RECEIPT EMAIL REQUESTED

Mr. Jim Street
Owner
JA Street & Associates
Exide Drive Investment Group LLC
P.O. Box 725
Blountville, Tennessee 37617
JAStreet@JASstreet.com

SUBJ: Request for Information
Exide Drive Investment Group, EPA ID# TNR000047597

Dear Mr. Street:

On November 20, 2021, the Tennessee Department of Environmental Control (TDEC) conducted a compliance evaluation inspection (CEI) at Exide Drive Investment Group located in Bristol, Tennessee to determine the facility's compliance status with the Resource Conservation and Recovery Act (RCRA) and the Tennessee Hazardous Waste Management Act of 1977 (THWMA), Tennessee Code Annotated (Tenn. Code Ann.) § 68-212-101 et seq. and applicable regulations.

Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, Exide Drive Investment Group LLC management is hereby directed to respond, fully and truthfully, within thirty (30) calendar days of receipt of this letter, to the Information Request enclosed herein as Enclosure C (subject to the Instructions in Enclosure A, and the Definitions in Enclosure B). Compliance with this request for information is mandatory, and information provided by Exide Drive Investment Group LLC may be used by the Environmental Protection Agency in future enforcement actions. Failure to respond fully and truthfully to each and every question or information request within thirty (30) calendar days of receipt of this letter, or to adequately justify such failure to respond, may result in further enforcement action against Exide Drive Investment Group LLC by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Your response to this request for information should be emailed to:

Araceli B. Chavez, Chief
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
chavez.araceli@epa.gov

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. Exide Drive Investment Group LLC may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information, at the time it is submitted, a suitable notice employing language such as trade secret or proprietary or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If Exide Drive Investment Group LLC intends to claim the information as confidential, please contact the RCRA Document Control Officer, Brooke York, at york.brooke@epa.gov, prior to submittal, for confidential submittal procedures. If no such claim accompanies the information when it is received by the EPA, it may be made available to the Public by the EPA without further notice to Exide Drive Investment Group LLC. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. Exide Drive Investment Group LLC should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

This Information Request is not subject to the approval requirement of the Paper Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Should you have any questions on this matter, please contact Daryl Himes, of my staff, by phone at (404) 562-8614 or by email at himes.daryl@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

Enclosure

cc: Mr. Christopher Lagan; TDEC (christopher.lagan@tn.gov)
Mr. Rob Ashe; TDEC (Rob.Ashe@tn.gov)
Ms. Lisa Hughey; TDEC (Lisa.Hughey@tn.gov)

ENCLOSURE A

INFORMATION REQUEST

Instructions:

1. Identify the person(s) responding to these Information Requests on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request question, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth; you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to the Request, you must respond to the question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a detailed or complete response to any Information Request question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
10. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, or proprietary, or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

ENCLOSURE B

INFORMATION REQUEST

Definitions:

The following definitions shall apply to the following words as they appear in this Enclosure.

1. The terms AND and OR shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.
2. The term DISPOSAL shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
3. The term DOCUMENT and DOCUMENTS shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory) including; (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like of it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
4. The term FACILITY shall mean Exide Drive Investment Group LLC located at 364 Exide Drive Unit C, Bristol, Tennessee.
5. The term GENERATION shall mean any act or process which produces hazardous waste as identified or listed in 40 C.F.R. Part 261 or an act which first causes a hazardous waste to become subject to regulation.
6. The term HAZARDOUS SUBSTANCE means: (a) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act; (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA; (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of RCRA (but not including any waste the regulation of which under RCRA has been suspended by Act of Congress); (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act; (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act; and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the EPA has taken action pursuant to Section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise

ENCLOSURE B

specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). HAZARDOUS SUBSTANCE shall include any mixtures of such hazardous substances with any other substances including petroleum products.

7. The term HAZARDOUS WASTE means a hazardous waste as defined in 40 C.F.R. § 261.3.
8. The term IDENTIFY means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
9. The term IDENTIFY means, with respect to a corporation, partnership, business trust or other associate of a business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
10. The term IDENTIFY means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The term PERSON includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, corporation, trust or other entity.
12. The term POLLUTANT or CONTAMINANT shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including a malfunction in reproduction) or physical deformation in such organisms or their offspring; except that the term POLLUTANT or CONTAMINANT shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of Definition 5 above, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). POLLUTANT or CONTAMINANT shall include any mixtures of such pollutant and contaminants with other substances, including petroleum products.
13. The term RELEASE shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The term TRANSACTION or ARRANGEMENT shall mean every separate agreement, act, deal, instance or occurrence.
15. The term YOU or RESPONDENT shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

ENCLOSURE C

INFORMATION REQUEST

Background for Requests 1-5

On November 30, 2021, the TDEC conducted a compliance evaluation inspection at the facility to determine the facility's compliance status with the RCRA.

Prior to the Exide Drive Investment Group LLC operating the facility, Exide Technologies manufactured lead acid batteries at the facility through 2012 when operations were discontinued. Since that time, all equipment, materials and wastes associated with Exide Technologies' battery production operations remained at the facility.

During its November 30, 2021 inspection, the TDEC was informed that since September 4, 2021, the Taff & Frye Company had been contracted by Exide Drive Investment Group LLC to perform demolition and metal recovery activities at the facility within buildings used previously by the facility for lead acid battery production.

Requests

1. Please submit any and all shipping documents, for off-site shipments of solid and/or hazardous wastes (as defined by 40 C.F.R. §§ 261.2 and 261.3) from the facility that occurred from September 4, 2021, through the date of this letter.
2. Please ensure that any and all documents submitted as part of Request Number 1 clearly identify the person(s) (name, address, city, state, zip, phone number) responsible for transporting the solid and/or hazardous wastes from the facility and the person(s) receiving the solid and/or hazardous wastes. For those documents that do not clearly identify all of the requested information requested for the persons transporting and receiving the solid and/or hazardous wastes, please provide additional documents which provides this information.
3. Please submit any and all waste analysis documents performed on any or all samples taken from any or all shipments, hazardous waste determination performed for purposes of compliance with 40 C.F.R. § 262.11, which correspond to each shipment provided for Request Number 1, above.
4. Please provide any and all contractual agreements between Exide Drive Investment Group LLC and Taff & Frye Company which discuss the management of demolition debris and/or equipment at the facility.
5. Please provide all records documenting any and all tank cleaning operations performed at the facility, that occurred from September 4, 2021 through the date of this letter, which identify any or all of the following: the tank(s) at the facility being cleaned and the current type of container(s) and/or tank(s) being used at the facility for the management of the materials removed from the tank(s).

ENCLOSURE C

Background for Request 6

Pursuant to 40 CFR § 261.4(c), a hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under parts 262 through 265, 268, 270, 271 and 124 of this chapter or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

At the time Exide Technologies facility closed in 2012, a tank existed within the floor of the main building in which the Vortex battery manufacturing operations were performed for the management of lead oxide paste.

6. Please provide all records documenting any and all actions related to the removal and management of any materials, solid or hazardous wastes from the tank managing lead oxide paste referenced in the background information above.